

The Washington merry-go-round

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With LES WHITTEN

WASHINGTON — In earlier columns, we reported that the FBI defied a Warren Commission resolution and held back internal documents about the John F. Kennedy assassination.

The commission, according to its own internal memos, suspected this from the beginning.

Early in 1964, for example, the commission obtained from the Justice Department two FBI memos that could not be found in the commission's files. Staff attorney Charles Shaffer, who later was to gain national prominence as John Dean's Watergate lawyer, declared in a confidential memo:

"I am morally certain that neither of (the memos) have been transmitted to (general counsel J. Lee) Rankin as they properly should have been. Accordingly, I am disturbed that the Bureau is conducting (an investigation and not furnishing us with the results.

"Knowing the Bureau as we do, I suggest the matter be informally discussed with their representative in contact with the Commission. In this way, the matter can be corrected with the least amount of friction."

Rankin replied in a handwritten scrawl that he had "noted and talked" with the FBI liaison man about the missing documents on Jan. 14, 1964. Nonetheless, hundreds of internal memos were withheld from the commission.

The commission attorneys also suspected — correctly, it now turns out — that the FBI wasn't leveling with them about its contacts with the accused assassin, Lee Harvey Oswald.

One of them, Norman Redlich, now dean of the New York University Law School, discovered a startling omission in an FBI summary of the contents of Oswald's notebook. The FBI neglected to mention that one of its agents, James Hosty was listed in the notebook.

This also disturbed another staff attorney, Howard Willens, who wrote Rankin in the strictest confidence on Feb. 13, 1964: "I share everyone's concern that this is a matter of great importance." He urged Rankin to demand a "full explanation" from the FBI.

A week later, Rankin wrote sternly to the late FBI director J. Edgar Hoover: "The Commission would like to be informed of the circumstances surrounding this omission," including the names of those who ordered it.

An outraged Hoover fired back the astonishing explanation that Hosty's name was omitted because it wasn't needed by the commission as an investigative lead."

Added Hoover crisply, if not correctly: "This Bureau from the beginning of this investigation has developed and reported all available and relevant facts and it will continue to do so."

Meanwhile, Dallas County's big, shaggy district attorney, Henry Wade, reported to the Warren Commission that he had heard Oswald was an FBI informant.

Inside FBI headquarters, Hoover exploded with rage. He scribbled some sizzling comments about Wade, a former FBI undercover agent, in the margins of memos which were never shown to the commission.

What he sent to the commission was a sworn, detailed affidavit denying that Oswald had ever been an FBI informant. But this didn't satisfy one staff attorney, Leon D. Hubert Jr., who pointed out in a confidential memo:

"Mr. Hoover's affidavit ... covers his knowledge, but it can only do that. What about an affidavit of the head of the security division at headquarters, FBI, Washington? He should know who is or who is not an informant..."

It should be noted that payment in money is not the only way to engage an informant. I do not think there is any chicanery here; but for the sake of a perfect record, retelling the rumor, I make these comments."

Rankin tried to bring the conflict with Hoover to a head, as gently as possible, on March 26, 1964. Rankin praised the FBI chief for being "most cooperative," and then hit him with 30 blockbuster questions.

"What was the FBI evaluation of

Oswald? ... Why did the FBI make three attempts within eight days (Oct. 29 to Nov. 5, 1963) to locate Oswald? ... Were any further efforts made between Nov. 5 and Nov. 22 to locate Oswald, and if not, why not?"

Like bombs hitting around a target, the questions almost exploded the secrets that the FBI has buried for 12 years. But Hoover, if he knew that Oswald had delivered a threatening note to the FBI office in Dallas less than a week before assassinating President Kennedy, didn't reveal it to the Warren Commission.

"At the outset," wrote Hoover, "I wish to emphasize that the facts available to the FBI concerning Lee Harvey Oswald prior to the assassination did not indicate in any way that he was or would be a threat to President Kennedy..."

"In the absence of any information showing Oswald to be a possible threat to the President, there was no basis to inform the Secret Service concerning Oswald's presence or employment in Dallas."

We have had access at least to some of the material that the FBI suppressed. We have found nothing that would change the official verdict that Oswald, acting alone, gunned down President Kennedy.

The purpose of the coverage, apparently, was to spare the FBI any embarrassment.